THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.18180 of 2007:

Date:28.08.2007

Between:

M.V.Ratna Kumari

.....Petitioner

And/-

The Inspector of Police, Malkajgiri P.S.,Secunderabad and two others

....Respondents.

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents as illegal, arbitrary and violative of the fundamental rights of petitioner and her husband and to direct the respondents not to harass them by calling them to police station without there being any case registered against them.

It is stated that the petitioner is the wife of M.S.R. Anjaneyulu and the sister of P.Y.Kondalarao. It is stated that the first respondent came to the house of the petitioner and asked about the husband of the petitioner viz. M.S.R. Anjaneyulu and he was forcibly taken to the police station on 11.08.2007 without registering any case against him though he was not involved in any case. It is stated that the brother of the petitioner viz. P.Y.Kondalara is required by the police and the police are pressurising the petitioner and her family members to produce him. It is the case of the petitioner that the said Kondalarao is residing separately and the petitioner is nothing to do with the activities of the said Kondalarao and neither the petitioner nor the husband of the petitioner have involved in any case and though they were not involved in any case, the action of the first respondent in taking the husband of the

petitioner to the police station on 10.08.2007, 11.08.2007 and 12.08.2007 is illegal and without any justification. It is stated that the petitioner also made a representation to the Assistant Commissioner of Police, Malkajigiri on 21.08.2007 and in spite of the said representation also, the illegal action on the part of the respondents 1 and 2 has not been stopped.

I am of the opinion as to whether the husband of the petitioner or the brother of the petitioner have been involved in any criminal case, it is always open for the police to take appropriate action against them. But, if no criminal case is registered against the husband of the petitioner, the police cannot have any right to take the husband of the petitioner to the police station and interrogate him. If the statement of the husband of the petitioner is required in respect of any case, it is always open for the police to issue summon or notice directing him to furnish such information. But, without taking any legal course, the action on the part of the third respondent is illegal and appropriate action also requires to be taken against him pursuant to the representation of the petitioner, dated 21.08.2007.

Having regard to the facts of the case, the writ petition is disposed of directing the respondents not to harass the petitioner and her husband in connection with any case pending against P.Y. Kondalarao and without registering any F.I.R. against the concerned. No costs.

_____

V.ESWARAIAH,J

Date:28.08.2007
ccm

-
-
-